

COMMUNITY
DISPUTE
RESOLUTION
PROGRAM



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COMMUNITY DISPUTE RESOLUTION PROGRAM

ANNUAL REPORT 2003

2003 At A Glance

Number of centers	24
Range of grant awards	\$42,308-\$358,555
Individuals involved in cases	23,555
Businesses involved in cases	6,155
Number of resolutions	5,121
Average days to disposition	23.3
Average length of mediation (hours)	1.7
Resolution rate	75%
Agreement compliance rate	93.7%
Value of volunteer contribution	\$1,035,700

Community Dispute Resolution Program (CDRP) centers offer mediation as an alternative to traditional adversarial dispute resolution in the courts. Mediation is a process in which a trained neutral person helps disputing parties reach a mutually satisfactory resolution. Unlike litigation, where one party wins and one party loses, mediation does not result in a winner and loser; it results in “win/win” solutions. CDRP mediators are volunteers who have completed both a 40-hour training program approved by the State Court Administrative Office (SCAO) and a supervised internship.

CDRP centers are nonprofit volunteer-based organizations that receive grant funding from the SCAO derived from a court assessment fee of two dollars per civil case filing and a general fund appropriation. In 2003, the legislature increased the court assessment to three dollars per civil case filing, and eliminated the general fund appropriation. The SCAO distributed approximately \$1.96 million to the centers in support of their work; grant awards per center ranged from \$42,308 to \$358,555.

Centers resolved 5,121 cases in 2003. Excluding one high volume center that experienced a substantial decline in the number of cases resolved,

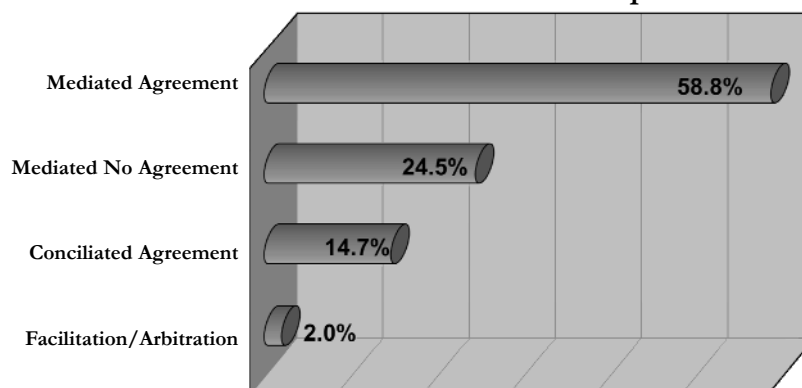
the remaining centers statewide achieved an 8% increase. Centers also provided meeting facilitation and arbitration services in an additional 139 matters.

A resolution rate of 75% was achieved when all parties agreed to use a center's services. This was accomplished either through the formal mediation process, or informally through correspondence or telephone conversation. Participants' selection of the formal mediation process increased by .7% over the previous year. Although many issues in controversy are non-economic in nature, the combined financial settlements of cases presenting economic issues increased by over 9.2% from 2002 to \$8,443,515 million.

Mediation also results in the quick resolution of matters. On the average, a case was disposed within 23.3 days of intake. The average mediation session lasted about one and three quarter hours.

Of the 10,905 cases disposed in 2003, 65% were matters in which the disputants learned about the service from a court. Referrals from governmental units—cases in which parties elected to call a center after being told of the services by state agencies, county offices or county employees, city, township or other municipalities' offices—accounted for the second highest referral source at 9% of the cases disposed.

Outcome When All Parties Participate



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Most centers offer an array of specialized services, such as mediation in juvenile victim/offender cases, Equal Employment Opportunity Commission-referred discrimination cases, and U.S. Postal Service workplace disputes. In addition, 9 sites offered mediation of child protection matters. The Permanency Planning Mediation Program (PPMP) was designed to test whether mediation could reduce the number of contested hearings, increase compliance with parent service plans, and expedite the permanent placement of children. In 2003, 122 child protection cases were mediated and 5 were conciliated (informally resolved). An evaluation of this program will be complete in May, 2004.

Grants by the Michigan Department of Education to provide special education mediation services and the U.S. Department of Agriculture to provide agricultural mediation services continued to be administered by the SCAO in 2003. To provide greater focus on court-based alternative dispute resolution (ADR) initiatives, a decision was made mid-year to discontinue

Dispute Type

Consumer/Merchant	22.7%
Breach of Contract	22.6%
Landlord/Tenant	12.3%
Property	9.6%
Domestic Relations	8.3%
Other	24.5%

administration of both programs. As a result, Michigan State University Extension assumed administration of the Michigan Agricultural Mediation Program effective October 1, 2003; the Michigan Department of Education has identified the Dispute Resolution Association of Michigan as the successor administrator of the Michigan Special Education Mediation Program, effective October 1, 2004. CDRP centers will continue to provide these mediation services; only the fiduciary agency has changed.

Other services increasingly requested and available through centers include: mediation of post-judgment domestic relations issues; resolution of non-violent neighborhood-type disputes (where persons have sought personal protection orders from circuit courts); meeting facilitation; mediation training; establishing school violence prevention and student peer mediation programs; and public policy meeting facilitation. Centers also provide a wide variety of conflict management workshops tailored to meet the needs of their constituents and serve as a referral source to other service providers.

Volunteerism remains a defining aspect of the CDRP. Volunteers serve as mediators, trainers, outreach workers, administrators, workshop facilitators, and office assistants at many centers. Approximately 19,613 hours of service were contributed

by volunteers in 2003. In market value equivalents, this represents a contribution of \$890,392. Centers also receive a number of donated goods and services such as rent, photocopying services, accounting services and purchase discounts. The market value of these goods and services totaled \$145,308.

Referral Sources

Court	65.0%
Government	9.0%
Advertising/Outreach	7.1%
Self Referral	6.4%
Legal Organization, Prosecutor, Attorney, Police	4.3%
Other	8.2%

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The Year Ahead

To increase the level of mediation services provided to Michigan citizens, the State Court Administrative Office has requested that all 2004 CDRP grantees create and implement a court services plan. Under these plans, all Michigan courts will be contacted by CDRP center representatives to assess how centers might provide services to litigants. This initiative follows many years of successful, but limited, application of mediation to a wide variety of dispute types. Mediation has proven to be an effective process for resolving cases involving families, neighbors, business partners, landlords and tenants, parents and teachers, and more.

One area of program expansion will be in providing additional services in the family division of Michigan's circuit courts and probate court. Increasingly, for example, mediation is being used

in post-judgment domestic relations cases to renegotiate custody and parenting time issues. Parties seeking Personal Protection Orders in matters that do not meet statutory thresholds for issuing orders in some cases are being referred to mediation at a growing number of centers. Mediation has also been successfully used to resolve contested guardianship matters.

A variety of brochures and a video are available free from the SCAO. Brochures describe the general mediation process and some of its specialized applications. Some are available in Spanish translation. The video presents an introduction to the mediation process. An order form for these and additional materials appears on the program website.

Formal evaluation of the use of mediation in the trial courts will include: (a) identifying the extent to which mediation reduces the time from filing to

disposition in litigated cases; (b) determining rates of collection on small claims judgments compared to mediated settlements; and (c) assessing whether domestic relations mediation results in fewer post-judgment activities in the courts.

Many courts have already created partnerships with local CDRP centers to provide citizens with an alternative to the traditional adversarial process. In the year ahead, we expect that many more courts will offer this service not only as a benefit to the court, in freeing up time for cases truly requiring formal adjudication, but as importantly, as a benefit to the parties in collaboratively reaching a solution to their own problem.

A growing number of public resources are available on the Michigan Supreme Court's website, including examples of innovative applications of mediation, descriptions of an array of ADR processes, and a directory of CDRP centers.

To contact the Community Dispute Resolution Program center nearest you
call 1-800-8RESOLVE (1-800-873-7658)

For additional information about the statewide Community Dispute Resolution Program or this report please contact:



Office of Dispute Resolution
State Court Administrative Office

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Email: vaneppsd@courts.mi.gov

Program information is also available at: <http://courts.michigan.gov/scao/dispute/odr.htm>

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